

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. Demario Antwain Hopkins

Docket No. 5:98-CR-37-6F

Petition for Action on Supervised Release

COMES NOW Eddie J. Smith, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Demario Antwain Hopkins, who, upon an earlier plea of guilty to 21 U.S.C. § 846, Conspiracy to Distribute and Possess With the Intent to Distribute Cocaine Base (Crack) and Other Controlled Substances and 18 U.S.C. § 924(c)(1), Use or Carry a Firearm During and In Relation to a Drug-Trafficking Crime, was sentenced by the Honorable James C. Fox, Senior U.S. District Judge, on November 9, 1998, to the custody of the Bureau of Prisons for a term of 227 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 60 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
2. The defendant shall participate in such vocational training program as may be directed by the probation office.
3. The defendant shall submit a written weekly report to the probation office, if not regularly employed, of attempts to secure gainful employment.
4. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.

On January 24, 2000, pursuant to a Rule 35(b), the imprisonment sentence was reduced by the court to 170 months. Demario Antwain Hopkins was released from custody on July 2, 2010, at which time the term of supervised release commenced. As a result of new criminal conduct, this term of supervised release was revoked on November 10, 2011, and the defendant was sentenced to time served. Additionally, he was ordered to serve a 48-month term of supervised release under the previously imposed conditions.

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RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: The defendant reported to the probation officer that he has been depressed recently and feels he could benefit from mental health counseling. As a result, we are recommending that the conditions of supervised release be modified to include mental health counseling as directed by the probation officer. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

The defendant shall participate in a program of mental health treatment, as directed by the probation office.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Robert L. Thornton

Robert L. Thornton
Supervising U.S. Probation Officer

/s/ Eddie J. Smith

Eddie J. Smith
U.S. Probation Officer
310 Dick Street
Fayetteville, NC 28301-5730
Phone: (910) 483-8613
Executed On: February 17, 2012

ORDER OF COURT

Considered and ordered this 17th day of February, 2012, and ordered filed and made a part of the records in the above case.

James C. Fox
James C. Fox
Senior U.S. District Judge